MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

UMY1612 – MALAYSIAN LEGAL SYSTEM I

(All Sections/Groups)

17 OCTOBER 2019
Reading Time: 9.00 am-9.15 am
(15 Minutes)
Answering Time: 9.15 am-12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 Pages and 5 Questions only.

3. It is **COMPULSORY** to answer **ALL** questions from Section A and **ONE (1)** question in Section B. The distribution of the marks for each question is given.

4. Students are not allowed to bring any statute into the Examination Hall

5. Please write all your answers in the Answer Booklet provided.

SECTION A

Instruction: Section A has **THREE** questions. It is **COMPULSORY** to answer **ALL** questions in this Section.

QUESTION 1

Discuss to what extent the different periods in the Malaysian history (the prehistoric period, the Melaka Sultanate and the Portuguese and Dutch occupation and the English occupation) had contributed to the shaping of the Malaysian Legal System.

(25 marks)

QUESTION 2

Per Lord Scarman in *Jamil bin Harun v Yang Kamsiah* [1984] 1 MLJ 217, 219 (Privy Council):

> "Their Lordship do not doubt that it is for the courts of Malaysia to decide, subject always to the statute law of Federation, whether to follow English law, Modern English authorities may be persuasive but, are not binding."

Based on the above statement, discuss the extent of English law application as provided under the Civil Law Act 1956.

(25 marks)

QUESTION 3

Elaborate the following:

(a) The Federal-state relationship in Malaysia.
(b) The judicial controls over subsidiary legislation.

(25 marks)

Continued...

SECTION B

Instruction: This section has **TWO** questions. Please answer only **ONE** question.

QUESTION 4A

With reference to relevant authorities and decided cases, discuss the application of doctrine of *Stare decisis* in Malaysia.

(25 marks)

QUESTION 4B

Discuss and compare the position and relevancy of the customary law and Islamic Law before and after the British occupation until the present.

(25 marks)

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